

\$RCE/11616

PTO/SB/30 (08-00)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/446,328
Filing Date	April 17, 2000
Examiner Name	Michael G. Hartley
First Named Inventor	Ulrich SPECK et al.
Group Art Unit	1616
Attorney Docket Number	SCH-1653

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
 - a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.13-3402
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
 - b. Check in the amount of \$ 750.00 enclosed
 - c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

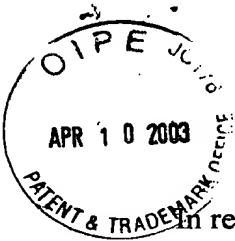
Name (Print /Type)	Csaba Henter	Registration No. (Attorney/Agent)	50,908
Signature		Date	April 10, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ulrich SPECK et al.

Serial No.: 09/446,328

Filed: April 17, 2000

For: USE OF INTRAVENOUS CONTRAST MEDIA FOR PROJECTION
MAMMOGRAPHY

REPLY

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In response to the Advisory Action dated February 24, 2003, and the Office Action dated August 8, 2002, please consider the following remarks in this Request for Continued Examination application.

REMARKS

Rejection of Claims 38-41 Under 35 U.S.C. § 112, first paragraph

The Office Action alleges that claims 38-41 lack written description. Applicants respectfully disagree.

Applicants have sufficiently demonstrated possession of the classes of compounds claimed. One of ordinary skill in the art, upon reading the specification and the examples of contrast agents, would have recognized possession of the claimed classes, including those described by negative limitations. It is not required of applicants to explicitly recite features of an invention that are readily understood by those skilled in the art to not being part of the invention. *In re Alton*, 76 F.3d 1168, 37 USPQ.2d 1578 (Fed. Cir. 1996).

The Office Action alleges that the recitation of, e.g., "non-peptide," to describe a contrast agent would include any compound that is not made up of repeating units of amino acids. The Office Action impermissibly reads the term "non-peptide" apart from the rest of

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